

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BULLET PROOF TECHNOLOGY OF TEXAS, LLC

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Case No. 2:09-cv-00316

Plaintiff,
v.

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**RENTHAL LTD;
RENTHAL AMERICA, INC.;
PLANO FUN CENTER, INC. d/b/a
PLANO KAWASAKI SUZUKI;
BG MOTORSPORTS, L.P. d/b/a
GOLDEN TRIANGLE POWERSPORTS,**

JURY TRIAL DEMANDED

Defendants.

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DEFENDANTS' TRIAL WITNESS LIST

The Defendants,¹ pursuant to the Court's May 25, 2012 Docket Control Order, file this Witness List for identification and categorization of trial witnesses.

The Defendants make no representation that each or any of the witnesses on this list will ultimately be able to attend the trial; the Defendants have made their designation of live witnesses based on their good faith belief as to which witnesses will be able to attend. The Defendants do not know the precise nature or scope of the testimony and evidence that Bullet Proof Technology of Texas, LLC (“BPT”) may seek to present at trial. As such, the Defendants reserve the right to modify, amend or supplement this list throughout trial based on case developments, including but not limited to the right to (1) not call some of the witnesses listed, (2) call live or by deposition as its witness at trial any witness identified on BPT’s witness list²,

¹ “Defendants” are Rental Ltd., Rental America, Inc., Plano Fun Center, Inc d/b/a Plano Kawasaki Suzuki, BG Motorsports, L.P. d/b/a Golden Triangle Powersports.

² BPT did not comply with the Docket Control Order's April 4, 2011 deadline for Plaintiff to provide a Trial Witness List. Defendants' statement that it reserves the right to call any witness

and any witnesses necessary to authenticate or lay the foundation for the introduction of documents to which BPT objects (including but not limited to custodians of records or authors of prior art), (3) add additional witnesses to testify live or by deposition, (4) introduce deposition testimony as impeachment evidence, or (5) change a witness from a live witness to a witness testifying by deposition, and vice versa. The Defendants also reserve the right to supplement or modify this list in response to rulings by the Court (including on any motions). The Defendants include in this list individuals who may be listed on BPT's witness lists without prejudice to its right to object to BPT's presentation of those witnesses at trial, the admissibility of all or part of those witnesses' testimony, or its right to move for the exclusion of those witnesses' testimony.

At this time, the Defendants identify the following:

I. Witnesses Appearing by Live Testimony

A. Defendants will call:

1. Benjamin Kwitek;
2. Dr. Brent Strong;
3. Lance Morman, and;
4. A corporate representative from Renthal, Ltd.

B. Defendants may call:

1. A corporate representative from Renthal America, Inc. ;
2. A corporate representative from Plano Fun Center, Inc d/b/a Plano Kawasaki Suzuki;
3. A corporate representative from BG Motorsports, L.P. d/b/a Golden Triangle Powersports;
4. A corporate representative from Wittenburg BV of the Netherlands;

identified on BPT's list is not a waiver of any argument of prejudice Defendants may have against Plaintiff's untimely submission of its Trial Witness List.

5. A corporate representative from Slatebond Ltd.;
6. A corporate representative from Wilson Sporting Goods Co.;
7. A corporate representative from Husqvarna Forest and Garden, WCI Outdoor Products, Inc.;
8. A corporate representative from The Stanley Works UK;
9. A corporate representative from GLS Corporation;
10. A corporate representative from E.I. du Pont Nemours and Company, Inc., and;
11. A corporate representative from Teijin, Ltd.

Respectfully submitted,

Dated: April 11, 2012

/s/ Jennifer Trillsch
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**ATTORNEYS FOR DEFENDANTS,
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PLANO FUN CENTER, INC. d/b/a PLANO
KAWASAKI SUZUKI; BG MOTORSPORTS,
L.P. d/b/a GOLDEN TRIANGLE
POWERSPORTS**

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2012, a true and correct copy of Defendants' Trial Witness List has been served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/Jennifer Trillsch _____

Jennifer Trillsch